

Appl. No. 09/632,535
Amdt. Dated April 4, 2006
Reply to Office Action of January 4, 2006

REMARKS/ARGUMENTS

Claims 1, 3-24 and 27-28 and 30 are pending in the present application. In the Office Action, the Examiner rejected claims 1-24 and 26-30 under 35 U.S.C. §103(a). Applicants have canceled claims 2, 26 and 29 without prejudice, and have amended claims 1, 12, 14, 20, 22, 27 and 28. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Request for Examiner's Interview

1. The Examiner is respectfully requested to contact the undersigned by telephone at the phone number listed below if after review, such claims are still not in condition for allowance. This telephone conference would greatly facilitate the examination of the present application. The undersigned attorney can be reached at the telephone number listed below.

Rejection Under 35 U.S.C. § 103

2. In the Office Action, claims 1-6, 9, 10, 14-18, 22-24, 26, 28, 29, 31, and 34 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dabney (U.S. Patent No. 6,643,663) in view of Hanson (U.S. Patent No. 6,457,045) and Fette (U.S. Patent No. 6,052,600). Applicants respectfully submit that claims 31 and 34 were cancelled without prejudice in the previous response, and shall consider the citation as a typographical error.

Applicants respectfully traverse the rejection and contend that the Examiner has not met the burden of establishing a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. *See MPEP §2143*. At a minimum, Applicants respectfully submit that neither Dabney, Hanson, nor Fette, alone or in any combination as discussed in the office action, teach or suggest all of the claimed limitations.

Appl. No. 09/632,535
Amdt. Dated April 4, 2006
Reply to Office Action of January 4, 2006

For instance, with respect to independent claims 1, 14, 22 and 28, Applicants respectfully submit that column 9, lines 50-56 of Fette does not teach or suggest the removal of content that is not approved. Rather, Fette teaches a condition where the user fails to approve records information, which is defined as billing data or data for proprietary use. *See col. 8, line 15-20 of Fette*. If the records information is not approved, the information received in step 312, namely software program, is removed. *See col. 9, lines 50-55 of Fette*. Hence, Fette suggests the review and approval/disapproval of records information and the removal of other information separate from the records information.

Moreover, neither Dabney, Hanson, nor Fette, alone or in any combination as discussed in the office action, teach or suggest any operations or apparatus that is directed to determining whether the story concept includes content that meets a predetermined criteria and is set by a party separate from the collaborators. The story concept is deleted if the content of the story concept fails to meet the predetermined criteria.

In contrast, Dabney describes human editors preparing a news story for newspaper, radio and these human editors are considered to be the collaborators. These editors edit the news story on a content server and provide a completed story to new editors for approval. *See col. 5, line 63 to col. 6, line 12*. There is no teaching or suggestion of story concepts (i.e., news story data) being monitored and deleted based on predetermined criteria established by another party. In fact, Applicants respectfully disagree with the inherency arguments made by the Examiner for cancelled claims 2, 26 and 29. It is unlikely that such story concepts, even if not used, would be deleted because it is not uncommon for media companies to use such information as background or supporting facts for future stories.

Therefore, Applicants believe that independent claims 1, 14, 22, and 28 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicants respectfully request the rejection under 35 U.S.C. §103(a) be withdrawn as applied to independent claims 1, 14, 22 and 28 as well as those claims dependent thereon.

3. In the Office Action, claims 7 and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dabney in view of Hanson and Fette, and further in view of Plantz (U.S.

Appl. No. 09/632,535
Amdt. Dated April 4, 2006
Reply to Office Action of January 4, 2006

Patent No. 6,088,702). Applicants respectfully traverse the rejection because a *prima facie* case of obviousness has not been established.

As an illustrative example, with respect to claim 7, the Office Action states that Plantz teaches "notifying the editor when content is received and posted for review by the editor." See page 12 of the Office Action. Applicants respectfully disagree because column 10, lines 15-20 of Plantz describes a log-in procedure in which, after log-in is completed, the editor is provided access to "a menu 190 of topics, subtopics, or chapters 191, 192, 193 for which work by the author is complete and which await editing." This menu-driven system does not perform an operation for "notifying the editor when the content is received and posted for review by the editor" as set forth in claim 7. Therefore, Applicants respectfully request withdrawal of the outstanding §103(a) rejection as applied to claim 7.

As another illustrative example, with respect to claim 8, the Office Action states that Plantz teaches "receiving a list of editors for the use including notifying the editors of the receipt of a story concept." See pages 12-13 of the Office Action. Applicants respectfully disagree because column 11, lines 24-26 of Plantz describe the assignment of data to particular sites by the web editor physically typing the target location(s) to assign the data. This assignment of data does not involve a list of editors and provides no notifying activity as set forth in claim 8. Therefore, Applicants respectfully request withdrawal of the outstanding §103(a) rejection as applied to claim 8.

4. In the Office Action, claims 11-13, 19-21, 27 and 30 under 35 U.S.C. §103(a) as being unpatentable over Dabney in view of Hanson, Fette and Mullins (U.S. Patent No. 5,100,154). Applicants respectfully traverse the rejection because a *prima facie* case of obviousness has not been established. However, based on the dependency of claims 11-13, 19-21, 27 and 30 on independent claims 1, 14, 22 and 28, believed by Applicants to be in condition for allowance, no further discussion as to the grounds for traverse is warranted. Applicants reserve the right to present such arguments in an Appeal is warranted. Withdrawal of the §103(a) rejection as applied to claims 11-13, 19-21, 27 and 30 is respectfully requested.

Appl. No. 09/632,535
Amdt. Dated April 4, 2006
Reply to Office Action of January 4, 2006

Conclusion

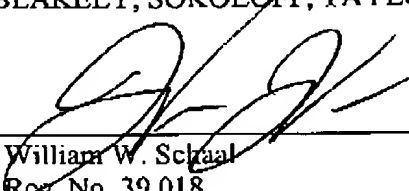
Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: April 4, 2006

By


William W. Schaal

Reg. No. 39,018

Tel.: (714) 557-3800 (Pacific Coast)

12400 Wilshire Boulevard, Seventh Floor
Los Angeles, California 90025

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☐ deposited with the United States Postal Service
as first class mail in an envelope addressed to:
Commissioner for Patents, PO Box 1450,
Alexandria, VA 22313-1450.

FACSIMILE

☒ transmitted by facsimile to the Patent and
Trademark Office.

Date: April 4, 2006


Susan McFarlane

April 4, 2006

Date